

REMARKS

Summary of Office Action

This Amendment is responsive to the final Office Action mailed on September 5, 2005. All pending claims, claims 1-16, are rejected; claims 1, 7, 9 and 15 are independent claims. All the claims are rejected as obvious and unpatentable under 35 U.S.C. 103(a) as follows: Claims 1, 3-4, 7-9, 11-12, and 15-16 are rejected over Ozaki (JP10-031265 in view of Homma et al. (USP. 6,950,126); Claims 2 and 10 are rejected over Ozaki in view of Homma et al. and Kane et al. (USP 5,726,627); Claims 5 and 13 are rejected over Ozaki in view of Homma et al. and Chen (USP 5,530,432); and Claims 6 and 14 are rejected over Ozaki in view of Homma et al. and Soda et al. (USP 5,806,621). In addition, Claims 7, 8, 15 and 16 are rejected under 35 U.S.C. § 112, Second Paragraph as indefinite.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 7, 8, 15 and 16 have been amended so as to further clarify the recitations of these claims. As recited in steps S3 to S6 in Fig. 4 of the present application and paragraphs [0040] and [0041] of the original specification, when a shutter button is half-pressed, a voice sound B is announced; and when the shutter button is fully-pressed, a shutter sound is announced. Those are examples of possible announcement sounds as disclosed in the specification.

Applicants have also amended Claims 4 and 12 to clarify the scope of claims 4 and 12. The amendments make clear that "not output" means the output is stopped as disclosed in paragraph [0044] of the original specification, for example.

Claim Rejections Under 35 U.S.C. § 103(a)

Independent Claims 1 and 9

Ozaki discloses the technical idea of announcing that taking of a photograph has ended. However, Ozaki does not disclose the technical idea of detecting the change to a camera mode and outputting a predetermined announcement sound, in order to announce the possibility that taking of a photograph is started to the surrounding people.

Homma detects that a shooting mode is switched to a communication mode. However, Homma merely teaches that if the mode switching is detected, it is determined whether or not a message is recorded (col. 5, line 64 to col. 6, line 8, and FIG. 4). Homma does not disclose that if the mode switching is detected, sound is output from a loudspeaker so as to allow the surrounding people to hear the sound.

Thus, Ozaki does not suggest the problem to be solved by the invention as recited in Claims 1 and 9 in which the possibility that capturing of an image is started must be announced to the surrounding people before capturing of the image has been performed. Moreover, Homma neither discloses the problem to be solved by the invention as recited in Claims 1 and 9 nor the technical idea of outputting the status indicating that the mode switching has been performed from the loudspeaker.

As such, both Ozaki and Homma do not suggest the problem to be solved by the invention as recited in Claims 1 and 9. Therefore, even if Ozaki were combined with Homma, a person having ordinary skill in the art would not have been motivated to anticipate the technical idea of "outputting a predetermined announcement sound when the portable terminal has been changed to a camera mode" in order to announce the possibility that capturing of an image is started to the surrounding people.

Thus, an improvement of the invention as recited in Claims 1 and 9 by solving the foregoing problem cannot be obtained from a combination of Ozaki and Homma.

Independent Claims 7 and 15

Ozaki discloses that the announcement is output when an image-capturing button has been pressed remotely.

However, Ozaki fails to disclose "outputting a predetermined announcement sound when an image-capturing button has been half-pressed". The limitation "half-pressed" indicates the timing just before taking a photograph, for example, auto-focusing is being carried out.

Thus, Ozaki does not suggest the problem to be solved by the invention as recited in Claims 7 and 15 in which the possibility that capturing of an image is started must be announced to the surrounding people before capturing of an image has been performed.

Homma merely discloses the matters as explained with respect to Claims 1 and 9.

As such, both Ozaki and Homma do not suggest the problem to be solved by the invention as recited in Claims 7 and 15. Therefore, even if Ozaki were combined with Homma, a person having ordinary skill in the art would not have been motivated to anticipate the technical idea of "outputting a predetermined announcement sound when an image-capturing button has been half-pressed after the portable terminal has been changed to a camera mode" in order to announce the possibility that capturing of an image is started to the surrounding people.

Thus, an improvement of the invention as recited in Claims 7 and 15 by solving the foregoing problem cannot be obtained from a combination of Ozaki and Homma.

Dependent Claims 4 and 12

Since Claims 1 and 9 should be allowed due to the reasons above, Claims 4 and 12 should also be allowed at least by virtue of their dependencies to Claims 1 and 9.

In addition, as explained with respect to Claims 1 and 9, the invention as recited in Claims 4 and 12 announces the possibility that capturing of an image is started to the surrounding people before capturing of an image, by outputting the predetermined announcement sound. The invention, as recited in Claims 4 and 12, stops the output of the announcement sound so as to prevent the announcement sound from being recorded.

Homma does not suggest such a problem to be solved by the invention as recited in Claims 4 and 12.

Thus, the invention as recited in Claims 4 and 12 are different from Homma, which merely displays announcement instead of outputting on a speaker as asserted by the Examiner (page 4, lines 1-2 of the Office Action). Moreover, Homma does not teach performing such an operation only while recording is performed.

Dependent Claims 2 and 10

Since Claims 1 and 9 should be allowed due to the reasons above, Claims 2 and 10 should also be allowed at least by virtue of their dependencies to Claims 1 and 9.

Kane is unavailing in remedying the deficiencies in Ozaki and Homma. Kane is directed to the unrelated technical field of security systems, and alarm events to security systems, which have no relevance to the technical field of portable terminals as claimed herein. Therefore, a person having ordinary skill in the art would not have been motivated to combine and indeed would not combine, Kane with Ozaki and Homma.

Dependent Claims 6 and 14

Since Claims 1 and 9 should be allowed due to the reasons above, Claims 6 and 14 should also be allowed at least by virtue of their dependencies to Claims 1 and 9.

In addition, the technical field of Soda is bicycles, which is different from the technical field of portable terminals. Therefore, a person having ordinary skill in the art would not have been motivated to combine Soda with Ozaki and Homma.

For at least the reasons set forth above, Applicant respectfully submits that this patent application, as amended, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

The Examiner is urged to telephone Applicants' undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely.

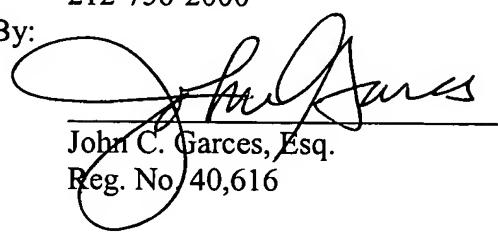
Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0048.

Respectfully submitted,

Schulte Roth & Zabel LLP
Attorney for Applicant
919 Third Avenue
New York, NY 10022
212-756-2000

Dated: February 14, 2007
New York, New York

By:


John C. Garces, Esq.
Reg. No. 40,616